

SN 10/550,498  
Atty Docket No. DSP/MINCHIOTTI

## REMARKS

### 1. Status Information:

Claims 1-12 are under consideration, and are hereby cancelled. Previously withdrawn claims 13-22 are hereby canceled. New claims 23-26 are presented.

### 2. Support for New Claims 23-26:

New claims 23-26 have been presented, in order to more clearly define the claimed invention.

New claims 23-26 are well supported by the specification and claims as filed, as a whole. Further, in relation to the limitation "*soluble form of the Cripto protein*", support may be found in the brief description of FIG. 4 and the associated experimental disclosures.

### 3. New Claims 23-26 Are Free of the Prior Art:

Now cancelled claims 1-2 and 4-6 were rejected under 35 USC 102(b) as being anticipated by Xu et al., 1998, on the grounds that the reference disclosed "*a method to induce stem cell differentiation ... wherein cell exposure occurs through genetic expression in stem cells via a suitable vector...*"

New claims are free of Xu et al., because the claims incorporate the negative limitation "*exposure is not achieved by genetic expression of the Cripto protein in the stem cell*". Moreover, Xu et al. do not disclose or suggest the limitation "*soluble form of the Cripto protein, which Cripto protein comprises at least an EGF domain and a CFC domain*". Lastly, the limitation in claim 24, "*in which the*

SN 10/550,498  
Atty Docket No. DSP/MINCHIOTTI

*C-terminal hydrophobic terminus of the soluble form of the Cripto protein is replaced by a His tag sequence*" is not disclosed or suggested by Xu et al.

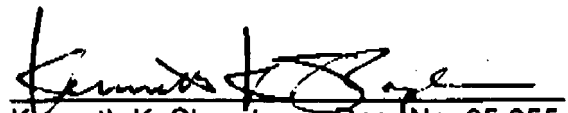
Further, Xu et al. do not teach or in any way suggest that a *soluble form of the Cripto protein, which Cripto protein comprises at least an EGF domain and a CFC domain* is sufficient to induce differentiation into cardiomyocytes.

#### 4. Conclusion:

Applicants have cancelled claims 1-12, thereby obviating all pending rejections of those claims. Applicants have presented new claims 23-26, which are fully supported by the specification and claims as filed, and which are free of the art-based rejections previously applied to claims 1-2 and 4-6. An indication of allowance is respectfully solicited.

Respectfully submitted,

Date: 06/15/2009

  
Kenneth K. Sharples Reg. No. 35,355

Law Office of Kenneth K. Sharples  
Sena Plaza Building, 2<sup>nd</sup> Floor  
125 East Palace Avenue – Suite 54  
Santa Fe, New Mexico 87501  
Tel. 505 699 6688  
Fax. 505 983 2801  
eMAIL k.sharples@att.net